

**Environmental Quality, Air Quality**  
**R307-325**  
**Davis and Salt Lake Counties and**  
**Ozone Nonattainment Areas: Ozone**  
**Provisions**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 29003

FILED: 09/07/2006, 16:05

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify the rule by moving language to other appropriate rules, adding language to align the rule with the new ozone maintenance plan, deleting obsolete language, and making other grammatical corrections throughout Rule R307-325 to improve the readability of the rule. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13; and Rules R307-320, R307-326, R307-327, R307-328, R307-332, R307-335, R307-340, R307-341, R307-342, and R307-343 in this issue.) (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** References to Salt Lake and Davis Counties were replaced by the term "ozone maintenance area". Other grammatical corrections were made throughout Rule R307-325 to improve the readability of the rule. Other changes that are proposed are divided into the following three areas: 1) General Compliance Provisions – The ozone reasonably available control technology (RACT) requirements were originally grouped together as one subsection of the Utah Air Conservation Rules. In 1998, the Board adopted a major restructuring of the rules and separated the RACT requirements into individual rules. The general provisions at the beginning of the old RACT subsection became a new rule, Rule R307-325, that established applicability, testing, and compliance provisions for all of the new RACT rules. This was an awkward solution, and the Board is proposing that the applicability, testing, and compliance provisions that are currently in Rule R307-325 be included separately in each of the ozone RACT rules. The applicability and testing provisions are deleted from Rule R307-325 because these provisions are not needed for the general requirements; 2) Generic RACT provisions – The 1990 Clean Air Act required the Environmental Protection Agency (EPA) to develop 11 new Control Technique Guideline documents for sources of volatile organic compounds (VOC)

and Alternative Control Techniques for sources of NOx by November 1993. EPA did not meet this deadline; however, the State was still required to adopt RACT regulations for these source categories. The one-hour ozone maintenance plan addressed this issue by adopting generic RACT provisions for both VOC and NOx in Section R307-325-2. EPA did not accept this approach, and later versions of the maintenance plan established case-by-case VOC RACT for all major sources of VOC. In addition, EPA granted a NOx waiver that addressed the requirement for NOx RACT. When EPA approved the one-hour maintenance plan in 1997, the Federal Register notice stated that the generic RACT rules were not required, and did not meet federal guidelines. The case-by-case determinations were all that was needed. The Division of Air Quality recommends deleting all of Section R307-325-2 because the generic RACT provisions are not required, and no longer serve a useful purpose; and 3) Low-NOx Burner Contingency Measure – When the one-hour ozone maintenance plan was originally adopted, a series of contingency measures was added to Utah's rules that could be implemented immediately if the area violated the ozone standard. Several of the contingency measures that would reduce VOC emissions were implemented proactively in 1999 because the area was not meeting the new 8-hour ozone standard. The eight-hour maintenance plan is not required to contain contingency measures that have been pre-adopted. Instead, the plan must include a list of potential measures and a schedule for adopting rules expeditiously if the ozone standard is violated. The proposal deletes Section R307-325-4 that requires the installation of low-NOx burners as a contingency measure for the ozone maintenance plan. Current modeling indicates that VOC reductions are more effective than NOx reductions to reduce ambient concentrations of ozone, and therefore, this control strategy may not be the best approach to address a future violation of the 8-hour ozone standard. This strategy is included in the list of possible contingency measures in the ozone plan and would be evaluated as one of many possible choices if the standard is violated in the future. This amendment is part of revisions to rules related to the ozone maintenance plan (see DAR NOTE above).

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ **OTHER PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-0085 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM ON 10/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/17/2006 at 2:00 PM, DEQ Building, 168 N 1950 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/07/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

**R307-325. ~~[Davis and Salt Lake Counties and]~~ Ozone Nonattainment and Maintenance Areas: General Requirements [Ozone Provisions].**

#### **R307-325-1. Purpose.**

Establish general requirements for control of volatile organic compounds in nonattainment and maintenance areas.

#### **R307-325-2. Applicability.**

R307-325 applies to all sources located in any nonattainment or maintenance area for ozone.

#### **R307-325-[4]3. Definition[s]~~[s]~~ Applicability and General Requirement[s].**

~~[(1) R307-325 applies to all sources in R307-326 through 341, major sources as defined and outlined in section 182 of the Clean Air Act and non-major sources located in Davis and Salt Lake Counties and in any nonattainment area for ozone as defined in the State Implementation Plan. For permitting of any new source or modification of any existing source, see R307-401; for operating permits, see R307-415.~~

~~—(2) No person [may permit] shall allow or cause volatile organic compounds [VOCs] to be spilled, discarded, stored in open containers, or handled in any other manner, which would result in evaporation in excess of that which would result from the application of [reasonably available control technology (RACT)] (as defined in 40 CFR 51.100(e)) [control technology that is reasonably available considering technological and economic feasibility].~~

~~[(3) Any person may apply to the executive secretary for approval of an alternative test method, an alternative method of control, an alternative compliance period, an alternative emission limit, or an alternative monitoring schedule. The application must include a demonstration that the proposed alternative produces an equal or greater air quality benefit than those required by R307-325 through 341, or that the alternative test method is equivalent to that required by these regulations. The executive secretary shall obtain concurrence from EPA when approving an alternative test method, an alternative method of control, an alternative compliance period, an alternative emission limit, or an alternative monitoring schedule.~~

~~—(4) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA approved state methods, to determine the efficiency of the control device. In addition, any control device must meet the applicable requirements, (including record keeping) of R307-340-2 and -13. A record of all tests, monitoring, and inspections required by R307-325 through 341 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the executive secretary or his representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days of when it was found by the owner or operator to be malfunctioning, unless otherwise approved by the executive secretary.~~

~~—(5) For purposes of determining compliance with emission limits, VOCs and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the executive secretary. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.~~

#### **R307-325-2. Existing Sources.**

##### ~~—(1) Existing Major Sources.~~

~~—(a) Any source of VOCs as of June 14, 1995, for which no specific emission limitations or other control requirement has been set forth in R307-325 through 341 and which is classified as a major source as defined and outlined in section 182 of the Clean Air Act shall utilize reasonably available control technology (RACT) as defined in 40 CFR 51.100(e).~~

~~—(b) Existing sources of nitrogen oxides for which no specific emission limitations or other control requirement has been set forth in R307-325 through 341 and which are classified as a major source as defined and outlined in Section 182 of the federal Clean Air Act shall utilize Reasonably Available Control Technology (RACT) as outlined in R307-325 through 341 for specific source categories or as defined in 40 CFR 51.100(e). RACT determinations shall be made on a case-by-case basis and may, to the extent allowable by the executive secretary, be applied on a regionally averaged basis for the pertinent nonattainment area. Application of RACT to sources of oxides of nitrogen within the area of nonattainment for ozone and in Davis and Salt Lake Counties may, in some instances, have been predicated on other requirements of state or federal rule. In such instances, the executive secretary may determine that such prior application of RACT has satisfied all applicable requirements, regardless of whether or not the level of controlled emissions due to application of RACT for one purpose meet the presumptive level of RACT for another. In other instances, where RACT may also be required for reasons other than Section 182 of the Act, the executive~~

secretary may require the most stringent level of control which satisfies RACT.

(c) The uncontrolled emissions of such sources shall be based upon design capacity or maximum production rate, whichever is greater, at 8760 hours/year operation, and before add-on controls. The emissions from all emission points within the source which are not specifically regulated in R307-325 through 341, and which are not pending regulation as per Section 183 of the Clean Air Act, are combined to determine capacity.

(d) Sources with potential uncontrolled emissions of VOC or nitrogen oxides in excess of the threshold for a major source outlined in Section 182 of the federal Clean Air Act, but with actual emissions of a lesser amount, may avoid the requirement to apply RACT as defined in 40 CFR 51.100(e) by obtaining an enforceable approval order limiting emissions to actual rates, by restriction of production capacity or hours of operation.

(2) For sources subject to specific rules which have a cutoff limit for applicability, including (1) above, once a source exceeds the cutoff limit, future operation at emission limits below the cutoff does not preclude RACT (as defined in 40 CFR 51.100(e)) requirements and rule applicability as stated in R307-401.

(3) For unknown sources existing on June 14, 1995, which are major or Control Techniques Guidance applicable sources and which are found by either the State or EPA in the future, the State will expeditiously develop a specific RACT determination based on the existing Control Techniques Guidance or as defined in 40 CFR 51.100(e) for such sources within a reasonable time after their discovery and submit such determination to EPA for approval as specific SIP revisions.

#### **R307-325.3. Compliance Schedule.**

By September 29, 1981, 180 days after the effective date of R307-325 through 341, all sources shall be in compliance.

#### **R307-325.4. Contingency Requirement for Ozone Nonattainment Areas and Salt Lake and Davis Counties.**

If the Contingency Requirements for nitrogen oxides are triggered as outlined in Section IX.D.2.b(2) of the State Implementation Plan, all existing sources excluding non-commercial residential dwellings shall install either low oxides of nitrogen burner technology as described in R307-401.4(3), unless such requirement is not physically practical or cost effective, or controls resulting from application of an equivalent technology, both of which shall be determined by the executive secretary. All sources required to install new controls under R307-325.4 shall submit, within two months after the trigger date, either a schedule for installing the equipment or a request for an exemption. The required equipment shall be operational as soon as practicable or within a reasonable time agreed upon by the source and the executive secretary.

#### **R307-325.4. Compliance Schedule.**

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

**KEY:** air pollution, emission controls, ozone, RACT  
Date of Enactment or Last Substantive Amendment: [June 16, 2006]

Notice of Continuation: August 1, 2003

Authorizing, and Implemented or Interpreted Law: [19-2-101; 19-2-104(1)(a)]

## **Environmental Quality, Air Quality R307-326 Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions in Refineries**

### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29006

FILED: 09/07/2006, 16:06

### **RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify the rule by deleting obsolete language, adding language to align the rule with the new ozone maintenance plan, and making other grammatical corrections throughout Rule R307-326 to improve the readability of the rule. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13; and Rules R307-320, R307-325, R307-327, R307-328, R307-332, R307-335, R307-340, R307-341, R307-342, and R307-343 in this issue.) (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** References to Salt Lake and Davis Counties were replaced by the term "ozone maintenance area". Other grammatical corrections were made throughout Rule R307-326 to improve the readability of the rule. Obsolete language was deleted throughout Rule R307-326. In addition, the applicability, testing, and compliance provisions that were located in Section R307-325-1 were moved into Rule R307-326. This amendment is part of revisions to rules related to the ozone maintenance plan (see DAR NOTE above).

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.